

Notice of Allowability

Application No.

09/882,707

Examiner

Scott T Baderman

Applicant(s)

BEZERA ET AL.

Art Unit

2113

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the Examiner's amendment made on 4 November 2004.
2. ☒ The allowed claim(s) is/are 1 and 5-23.
3. ☒ The drawings filed on 15 June 2001 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☒ Notice of References Cited (PTO-892) *
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☒ Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit
of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413),
Paper No./Mail Date _____
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____

Art Unit: 2113

EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with A. Jose' Cortina (Reg. #29,733) on November 4, 2004.

The application has been amended as follows:

In claim 1, line 5 insert "a" after "with".

In claim 12, line 3 delete "a" (first occurrence) and insert "said" therefore.

In claim 17, line 8 insert "requests" after "(I/O)".

In claim 17, line 9 insert "during recovery" after "devices".

In claim 21, line 11 delete "recovery" and insert "recovering" therefore.

In claim 21, line 11 delete "associating" and insert "associated" therefore.

Allowable Subject Matter

2. Claims 1 and 5-23 are allowed.
3. The following is an examiner's statement of reasons for allowance:

Art Unit: 2113

With respect to claim 1, the Examiner asserts that the novelty of the claim, when read as a whole, is the process of “detecting an exception condition in a network, said detection being done with computer connected to the network, and having an operating system thereon programmed for detecting exception conditions, recovering only the adapters, FIDs and LUNs within the scope of the exception condition, and issuing I/O requests to adapters, FIDs and LUNs during recovery that are not within the scope of the exception condition.”

With respect to claim 12, the Examiner asserts that the novelty of the claim, when read as a whole, is the process of “detecting an exception condition in a hierarchical computer network, said detection being done with a computer connected to the network, and having an operating system thereon programmed for detecting exception conditions, recovering only the nodes within the scope of the exception condition, and issuing I/O requests to nodes during recovery that are not within the scope of the exception condition.”

With respect to claim 17, the Examiner asserts that the novelty of the claim, when read as a whole, is “an operating system resident on the computer programmed to detect exception conditions relating to adapters, LUNs or devices, to recover only the adapters, LUNs or devices within the scope of the exception condition, and to issue I/O requests to adapters, LUNs or devices during recovery that are not within the scope of the exception condition.”

With respect to claim 21, the Examiner asserts that the novelty of the claim, when read as a whole, is the process of “detecting an exception condition in a network, said detection being

Art Unit: 2113

done with a computer connected to the network, and having an operating system thereon programmed for detecting exception conditions, recovering the FIDs or LUNs within the scope of the exception condition, said recovering being conducted by, 1) if an adapter needs to be recovered, recovering the adapter before recovering FIDs or LUNs associated with the adapter, 2) if an FID needs to be recovered, recovering the FID before recovering LUNs associated with the FID, and 3) recovering LUNs only if an FID and adapter associated with the LUNs are not in need of recovery, and issuing I/O requests adapters, FIDs and LUNs during recovery that are not within the scope of the exception condition.”

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled “Comments on Statement of Reasons for Allowance.”

Conclusion

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

See From PTO-892.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Scott T Baderman whose telephone number is (571) 272-3644. The examiner can normally be reached on Monday-Friday, 6:45 AM-4:15 PM, first Fridays off.

Art Unit: 2113

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Beausoliel can be reached on (571) 272-3645. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Scott T Baderman
Primary Examiner
Art Unit 2113

STB